

K R A S K I N, L E S S E & C O S S O N, L L P
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

COPY
ORIGINAL

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

EX PARTE OR LATE FILED Telephone (202) 296-8890
Telecopier (202) 296-8893

April 5, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED

APR 5 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **In the Matter of Promoting Efficient Use of Spectrum Through Elimination of
Barriers to the Development of Secondary Markets
WT Docket No. 00-230
In the Matter of Automatic and Manual Roaming Obligations Pertaining to
Commercial Mobile Radio Services
WT Docket No. 00-193
Ex Parte Meeting**

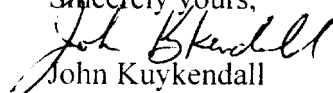
Dear Ms. Salas:

On April 4, 2001, Steve Kraskin and John Kuykendall of Kraskin, Lesse & Cosson, LLP, counsel to the Rural Cellular Association ("RCA"), met with Gerald Vaughan and Jim Schlichting in the Office of the Bureau Chief, Wireless Telecommunications Bureau to discuss the referenced matters. The participants discussed RCA's position regarding the public interest necessity for the Commission to promote the efficient utilization of spectrum already allocated to rural areas through a variety of methods, including the adoption of leasing arrangements which encourage and protect significant investment in the infrastructure required to provide service to sparsely-populated areas. Noting its stated concern that leasing arrangements are insufficient to meet the requirements of consumers living in rural areas, RCA emphasized the importance of the Commission's giving careful consideration to RCA's fill-in proposal as a means to ensure that spectrum is utilized in rural areas where demand warrants.

Additionally, the participants discussed RCA's position regarding the public interest necessity in maintaining the manual roaming requirement and the concerns voiced by RCA regarding the potential for discriminatory treatment of the customers of smaller and rural carriers by larger carriers seeking to impose inappropriate terms upon smaller carriers seeking the implementation or extension of roaming arrangements.

Attached hereto is a copy of the RCA brochure delivered to FCC staff at the meeting. Please contact me if there are any questions regarding this matter.

Sincerely yours,


John Kuykendall

cc: Gerald Vaughan
Jim Schlichting

**ABOUT THE RURAL
CELLULAR ASSOCIATION**

The Rural Cellular Association (RCA) represents the interests of small, rural wireless operators. The Association promotes the expansion of wireless telephone services to the maximum number of subscribers possible in rural and small metropolitan markets. RCA provides a much-needed voice to represent the concerns and opinions of small cellular carriers and the markets they serve.

**WE MAKE THE DIFFERENCE IN
RURAL AMERICA**

Our work strengthens the roots of the American democracy. As vital parts of the American landscape, we make the difference in our communities for a robust or moribund economy.

No other carriers will serve our communities with the highest quality of service – let alone the neighbor-to-neighbor service.

Ours is a world in which neighbor knows neighbor – where neighbors care for one another – where businesses work together to help each other survive and prosper. Wireless carriers are at the center of life in rural and small metropolitan communities. We offer more than connections for businesses and consumers. We bring people together.

National Office: Washington D.C.
701 Brazos, Suite 320 2120 L ST NW, Suite 520
Austin, TX 78701 Washington, D.C. 20037
(800) 722-1872 (202) 296-8890
Fax: (512) 472-1071 Fax: (202) 296-8893

www.rca-usa.org

Telecommunications technology is changing the landscape of American society. Yet, not everybody in America has equal access to the latest advances and applications of telecommunications technology.

As wireless carriers serving rural and small metropolitan areas exclusively, we sustain a critical component of American life – we are working to build the communities of rural America. We help maintain the sense of community that is the heart of the American spirit.

Wireless technology is as important – if not more important – for people living and doing business in rural and small metropolitan communities. For many in rural America, wireless technology has made possible what almost seemed impossible a decade ago. Today, consumers in rural and small metropolitan communities rely on wireless services to build, sustain, and grow their businesses; communicate with employees, customers, and friends; and keep the family together.

**RURAL WIRELESS
CARRIERS - ARE
THEY AT RISK?**



Rural wireless carriers represent a lifeforce for the community – helping to create jobs, build the local economy, and sustain a way of life that is unique to America. Our communities can count on us to protect their interests.

More than ever, however, the bureaucracy of the federal government – despite its best intentions to create a competitive marketplace in the U.S. – is putting smaller wireless carriers in rural and small metropolitan communities at risk. It takes a special understanding of our communities' connections, relationships, and way of life to understand the impact of federal regulation on service delivery to rural and small metropolitan communities.

Too often, FCC regulations destabilize the competitive positions of small wireless carriers serving rural and small metropolitan communities.

Instead of encouraging service delivery to consumers in rural and small metropolitan communities, the federal government too often creates new barriers to service and makes it more difficult for small companies like ours, to exist. Like all carriers, we operate in a regulated environment. But, regulations are putting smaller carriers at a disadvantage and endangering our position in the marketplace – without creating new opportunities for service delivery for our friends and neighbors and the communities in which we live and now operate.

**IS GOVERNMENT A
HELPING HAND?**

Carriers providing service to consumers in rural and small metropolitan communities do not want a helping hand from the government

What we want – what our customers who rely on us demand – is a chance to survive – an opportunity to continue to expand service delivery options – both quantity and quality – without the burdens of regulations that may be more appropriate to large urban markets.

Instead of a helping hand, we want the government to commit to a better understanding of the impact of its regulations on our businesses, service delivery in rural and small metropolitan communities, and the impact on the economic well-being of the consumers we so proudly serve.

DELAY...DELAY...DELAY

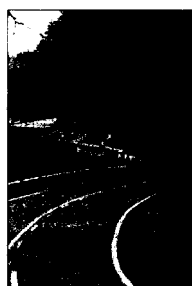
The FCC seems not to understand the business implications of a “non-decision” – especially for a smaller carrier. The numerous delays at the FCC that result in no action being taken on petitions are an insidious problem for consumers of our services. Too often, carriers file petitions – even emergency petitions – that disappear in the abyss of the federal bureaucracy with no action – either pro or con – being taken. The absence of a decision can be more problematic than a negative decision.



A STATEMENT OF PRINCIPLES TO ENSURE SERVICE DELIVERY

As the federal government puts regulations in place and considers legislation, federal bureaucrats and elected officials should be guided by a set of principles designed to preserve, sustain, and grow the telecommunications marketplace in rural and small metropolitan communities and to ensure effective and competitive service delivery choices for consumers.

- Federal regulations and telecommunications legislation impact smaller carriers serving rural and small metropolitan communities differently



- from larger carriers;
- Members of Congress and the FCC should make every effort to learn about issues impacting smaller carriers serving rural and small metropolitan communities and work to protect the interests of consumers in those communities;
- In an attempt to maintain,

promote, and build competition in the telecommunications marketplace, the FCC should not issue regulations that have the effect of destabilizing the competitive positions of smaller companies and put service delivery at risk for consumers;

- Costs to comply with FCC regulations are burdensome with capital being unnecessarily diverted from needed investment in systems that deliver and expand telecommunications services in rural and small metropolitan communities; and
- Smaller carriers serving rural and small metropolitan communities are in need of regulatory relief that may only be gained through the federal legislative process.

A SIX-STEP PLAN FOR WIRELESS SERVICES IN RURAL AMERICA

The Rural Cellular Association (RCA) has adopted a six point plan to promote wireless service delivery in rural America.

1. The U.S. Congress should convene a series of oversight hearings to assess the current status of telecommunications wireless services in rural and small metropolitan communities and the impact of FCC regulations on the delivery of services.

2. The U.S. Congress should enact new statutes to provide regulatory relief to wireless carriers serving rural and small metropolitan communities that:

- requires the FCC to meaningfully assess the impact of regulations on rural and small metropolitan carriers and the communities they service;
- requires the FCC to issue alternative and less burdensome regulations and implementation schedules for rural and small metropolitan carriers; and
- prevents the FCC from enforcing any rule until less burdensome rules and requirements have been put in place.

3. The U.S. Congress should approve legislation that requires the FCC to act within 60 days from the filing date on a petition for emergency relief, a petition for reconsideration, or a petition for waiver filed by a rural

or small metropolitan carrier. If the Commission fails to act, the petition would be automatically granted.

4. The U.S. Congress should require the FCC to forbear rural and small metropolitan carriers when smaller rural carriers increase their investment to benefit the communities they serve by an amount equal or greater than the costs imposed on the carrier or consumers to comply with the requirements of new burdensome FCC regulations.

5. Precisely because quality wireless service delivery to rural America is in the public interest, small wireless carriers providing services to rural and small metropolitan communities should receive a tax credit – based on costs incurred in complying with new FCC regulations – as a way to maintain and promote the competitive position of small wireless carriers in rural America.

6. The U.S. Congress should establish an Office of Rural Advocacy within the FCC to serve as an ombudsman for the telecommunications interests of rural America.